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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,698	10/30/2003	James A. Mitchell	MITCH-42628	1905
26252	7590	09/09/2004	EXAMINER	
KELLY BAUERSFELD LOWRY & KELLEY, LLP 6320 CANOGA AVENUE SUITE 1650 WOODLAND HILLS, CA 91367				CONLEY, FREDRICK C
ART UNIT		PAPER NUMBER		
		3673		

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,698	MITCHELL, JAMES A.	
	Examiner Fredrick C Conley	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 12-18 is/are allowed.
- 6) Claim(s) 1 and 3-10 is/are rejected.
- 7) Claim(s) 2 and 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 5, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,408,461 to Zheng in view of U.S. Pat. No. 5,473,785 to Larger.

Claim 1, Zheng discloses a multi-purpose mat having open and folded configurations, comprising:

a base, and

a resilient flexible slat 24 whereby the slat provides a spring-like effect that allows the mat to automatically rollout into the open configuration from the folded configuration (col. 3 lines 25-34). Zheng fails to disclose sidewalls. Larger discloses a mat having a plurality of slats (57,58,59,61) disposed within sidewalls. It would have been obvious to one having ordinary skill in the art at the time of the invention to have a plurality of slats disposed within sidewalls as taught by Larger in order to provide a restraint for an infant or small child.

Claim 3, wherein the base includes a plurality of layers (12,14), wherein at least one of the layers is water impermeable (col. 3 lines 38-45)(Zheng).

Claim 5, including means 64 for holding the mat in the folded configuration.

Claim 9, including a layer of material 12 removably connected to a top surface of the base (Zheng).

Claim 10, wherein the layer of material is a towel connected to the base, wherein the base and towel include mating fasteners (68a,68b)(Zheng).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,408,461 to Zheng in view of U.S. Pat. No. 5,473,785 to Larger, and further in view of U.S. Pat. No. 6,751,813 to Wechsler.

Claim 4, Zheng discloses all of the Applicant's claimed limitations except for a non-slip surface. Wechsler discloses a mat having a non-slip surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a non-slip surface as taught by Wechsler on the bottom surface of the base of Zheng in order to prevent slippage while the mat is on the floor.

Claim 6, Zheng discloses all of the Applicant's claimed limitations except for a the means for holding the mat including fasteners. Wechsler discloses a means for holding a mat in the folded configuration including a buckle or other fastening means (col. 6 lines 51-57). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a strap and fastening means as taught by Wechsler with the mat of Zheng in order to assist in the transport of the mat. Although Wechsler discloses other fastening means for the strap Wechsler fails to disclose fasteners including hook and loop fasteners. Hook and loop fasteners are well known equivalents fastening means, and it would have been an obvious to employ hook and loop

fasteners, since Applicant has not disclosed that hook and loop fasteners are critical and it would appear that the fasteners taught by Wechsler would perform equally well.

Allowable Subject Matter

Claims 2 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-18 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC

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MICHAEL F. TRETEL
PRIMARY EXAMINER
ART UNIT 358